

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

~~ROBERT SHAW 01215-039~~
~~FCI McKean P.O. Box 8000~~
~~Bradford, PA 16701~~

(Enter above the full name and address
of the plaintiff in this action)

VS.

HERBERT BEAM, MD
FCI McKean P.O. Box 8000
Bradford, PA 16701

(Enter above the full name, title, and
business address of each defendant in
this action)

Plaintiff brings this action against the above named and identified defendants on the following cause in this action.

I. Where are you now confined? FCI McKean, Bradford, Pennsylvania

What sentence are you serving? 25 years

What court imposed the sentence? U.S. District Court, ED Michigan

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit
Plaintiffs _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) and docket number _____

3. Name the judge to whom case was assigned _____

4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

GOVERNMENT
EXHIBIT

5. Approximate date of filing lawsuit _____
6. Approximate date of disposition _____

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? _____

When? _____

Result: _____

III. What federal law do you claim was violated? _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

A. Date of event: August 2002 to present

B. Place of event: Federal Corr. Institution McKean, Bradford, PA

C. Persons involved--name each person and tell what that person did to you: Herbert Beam, MD, Physician, Federal Correctional Institution McKean, Bradford, PA. Following a diagnosis of Post-Traumatic Stress Disorder, this BOP physician prescribed Seroquel (quetiapine fumarate) as part of my treatment regimen. This drug was prescribed in the amount of 900 mg per day. I began experiencing medical problems shortly after commencement of taking Seroquel in this amount. These problems included but were not limited to neck pain, seizures and fainting spells, tachycardia, blurred vision, loss of mental alertness or acuity, difficulty in swallowing and intestinal distress. The problems had not been experienced prior to the administration of Seroquel in the prescribed amount. When I presented these symptoms to Dr. Beam and his subordinate health care givers, I was variously rebuffed, treated with over-the-counter medicine or told that I had dental problems. At no time was I told that Seroquel in the dosage amount of 900 mg per day had never been submitted for human trials. At no time was I told that the recommended dosage was 300 mg per day, and that the drug should never be administered in excess of 750 mg per day. After becoming concerned as to the side effects and receiving no assistance or information from Defendant Dr. Beam, I contacted both Astra/Zeneca (the developer and manufacturer of Seroquel) and the Food and Drug Administration. Both the manufacturer and FDA provided me with detailed information that established that I had been grossly and negligently over-medicated by Defendant Beam. Dr. Beam was further derelict when I manifested to him the adverse symptoms, some of which were explicated in literature

of which were explicated in the literature from both Astra/Zeneca and the FDA.

Even though I signed a consent form to receive Seroquel, I was never told that the 900mg per day dosage had not been approved, nor was I advised as to the side effects. The consent was not informed.

The Dosage of Seroquel, as administered, represents non-consensual administration of medication. At the time the drug was administered in this amount, there was no diagnosis that I represented a threat to myself or others, nor any other documented need shown that the excessive medication was in my medical interest. There was no overriding justification and determination as to any medical appropriateness for this treatment regimen.

I was given Seroquel in the amount of 900mg per day without informed consent.

At no time did Defendant Beam discuss with me the side effects of the medication, nor did he discuss with me the effect other medications might have on my overall health, when taken with Seroquel. Defendant Beam further failed to instruct the pharmacist and the pharmacy technician who supplied me with the prescribed medication to assure that I would be aware of side effects and the impact the other medications would have when taken with Seroquel.

- V. Did the incident of which you complain occur in an institution or place of custody in this District: If so, where? Federal Correctional Institution, McKean, Bradford, PA

and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?

Yes(☒) No(☐)

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes(☒) No(☐)

- C. If your answer is Yes,

1. What steps did you take? Sought informal resolution through Inmate Requests and interviews with medical and admin staff, including the Warden. When that failed to produce satisfactory results, I commenced and completed the formal grievance procedures.

2. What was the result? Refused to provide the treatment, evaluation and documentation requested.

- D. If your answer is NO, explain why not: _____

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes(☐) No(☐)

- F. If your answer is Yes,

1. What steps did you take? _____

2. What was the result? _____

- VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. _____

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

9-3-04

(Date)

[Signature]

(Signature of Plaintiff)